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Attorneys for Defendant PITE DUNCAN, LLP

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

WES W. JOHNSON,

Plaintiff,

v.

HOMECOMINGS FINANCIAL, a Delaware
Limited Liability Company, GMAC
MORTGAGE, a Delaware Limited Liability
Company, DEUTSCHE BANK NATIONAL
TRUST COMPANY, a Nevada Corporation,
DEUTSCHE BANK TRUST COMPANY
AMERICAS as Trustee for FALI 207QA1, a
State of New York Chartered Bank,
EXECUTIVE TRUSTEE SERVICES, a
Delaware Limited Liability Company., PITE
DUNCAN, a Limited Liability Partnership,
and DOES 1-10, inclusive,

Defendant.

Case No. 09CV1262 L NLS

STIPULATION TO VOLUNTARILY
DISMISS DEFENDANT PITE DUNCAN,
LLP

Plaintiff Wes W. Johnson and Defendant Pite Duncan, LLP hereby stipulate to the following:

1. Plaintiff Wes W. Johnson agrees to voluntarily dismiss Defendant Pite Duncan, LLP
without prejudice.

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1 2. Defendant Pite Duncan, LLP agrees to waive costs and fees it could have sought
2 against Plaintiff Wes W. Johnson in connection with the defense of this litigation.

3 Dated: February 5, 2011

PITE DUNCAN, LLP

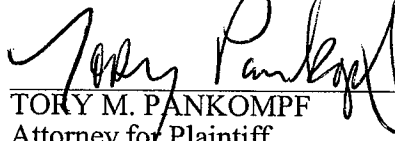
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5 S/ Christopher L. Peterson

6 CHRISTOPHER L. PETERSON

Attorneys for Defendant PITE DUNCAN, LLP

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8 Law Offices of Tory M. Pankompf

9 Dated: Feb 5, 2011



10 TORY M. PANKOMPF

Attorney for Plaintiff